

The San Diego Union-Tribune

Bridging the legal aid access gap

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Tuesday, December 10, 2002

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In her year-long odyssey through the California justice system, Katherine, a 35-year-old single mother with three children, experienced failure at every turn.

Leaving her abusive husband, she moved into the only apartment she could afford, and soon discovered a broken toilet and non-working oven, rats and roaches, and a fourth-floor landing with no railing. She began withholding rent pending repairs her landlord refused to make, but then her Medi-Cal benefits were cut off when she could not provide rent receipts. She lost health care for her children and herself, although she is a borderline diabetic in need of medication and her children were suffering from rat bites.

Katherine tried to seek help through the courts. Representing herself at an administrative hearing, she lost her appeal to restore Medi-Cal benefits because she did not have proper documentation of the rent account. When she went to a courthouse to file a complaint against her landlord, she found the process so confusing that she gave up and went home.

According to "The Path to Justice: A Five-Year Status Report on Access to Justice in California," prepared by the California Commission on Access to Justice, Katherine is just one of 4.6 million poor Californians whose basic civil legal needs -- often involving such critical needs as housing, health care, education, employment, safety and transportation -- are not being addressed.

California has a critical dearth of legal services for the poor, and, as this report makes clear, it is imperative that the state join with the federal government and private funders to increase resources so that all Californians, regardless of income, have equal access to our justice system.

Our justice system is predicated on the assumption that both parties will be represented by lawyers who act as gatekeepers and guides through a complex legal system that would otherwise be inaccessible to many of us. Unfortunately, the most vulnerable members of our society are the least able to afford legal services. California does have a strong network of legal aid organizations that try to help meet the needs of the poor, but there's just one legal aid lawyer available per 10,000 poor people. We may promise "justice for all," but for those who can't afford a lawyer, that promise is often a lie.

In its new report, the Commission on Access to Justice notes some significant steps toward providing equal access to justice for all Californians. In 1999, thanks to Gov. Gray Davis and leaders in the Legislature, the state committed \$10 million a year to legal aid for the poor. In addition, California Supreme Court Chief Justice Ronald George made "access to justice" issues a top priority, and a growing community of judicial, legal and civic leaders committed to expanding legal aid is working to ensure that what little funding is available is used in the most efficient way possible.

But resources are extremely limited. The combined federal and state government support in California is at \$84.5 million on legal aid for the poor -- just \$13.20 per poor person. The Commission on Access to Justice says that government investment would have to triple to match the investment made by comparable states and the combined public/private investment must reach \$533 million to adequately meet the legal needs of the poor. That may sound beyond financial reach, but it is actually only 2 percent of the amount Californians spend on lawyers each year -- and that 2 percent would be providing legal assistance to nearly 20 percent of the population.

This isn't a controversial issue. Close to nine in 10 Americans (89 percent) agree that legal help for civil matters should be provided for low-income people, according to the commission's report. Eight in 10 people even support the idea when it is described as a government-funded program. Indeed, in many states throughout the country, government funding for legal aid doubles or triples that of California. And democratic governments throughout the world have recognized that government funding for lawyers is as critical to a fair legal system as are judges, courts and laws. For a state whose economy is the sixth largest in the world, California should certainly be able to adequately fund free civil legal aid.

More funding and more resources for legal services for the poor must be a statewide priority. Recent achievements -- new government funding, a growing community of legal aid advocates -- demonstrate that the goal of equal access to justice for all Californians is achievable and that the public as well as key leaders throughout the state will support the effort.

The statistics might seem cold, but it's impossible to remain complacent after meeting someone like Katherine -- or a family who has been left homeless by an illegal eviction, a senior who lost his home to foreclosure from a crooked loan transaction, or a domestic violence victim unable to navigate the courts to get a restraining order. California can -- and must -- do better.